

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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WILLIAM T. WALSH
CLERK

REPLY TO: Trenton

March 13, 2008

Dear CJA Panel Member,

The enclosed information is governed by the Criminal Justice Act (CJA), Title 18, U.S.C. 3006A, and should assist you in the completion of your CJA 20/30 claim for compensation. Should you have additional CJA guideline questions the Defender Services Division in Washington has developed a web site that contains *Volume VII of the Guide to Judiciary Policies and Procedures*. You may access that web site at www.fd.org, or you may contact the undersigned if you have any additional questions. Also, there is additional information and *forms* on our *website at <http://www.njd.uscourts.gov>*, under the Attorney Services tab.

Please be advised that your acceptance of an appointment and representation of a defendant in a case is considered by the Court to be an obligation on your part to represent a defendant at every stage of the proceedings, from initial appearance before the Magistrate or the District Judge through appeal, including appropriate ancillary matters. *It is also your responsibility to comply with applicable procedures and guidelines with respect to the following information, which you should carefully review.*

1. **CJA 20 FORM** - the following information will expedite the processing of your request for payment in non-capital representations. **CJA 30 FORM** is utilized for Capital Case representations.

The original CJA 20/30 form that has the Judge's original signature on it should be used when requesting final payment. For *interim* billing payments, copies of the executed CJA 20/30 form with the Judge's signature can be used for each interim bill. The original should be submitted with the *final* voucher.

You must bill under the current docket number (if appointed by a Magistrate Judge, but if the case proceeds before a District Court Judge, you must bill under the district court docket number).

You must bill in tenths of an hour (i.e., .1, .2, .3, not .25).

2. ATTORNEY SERVICES / LIMITATIONS :

A) **Hourly Rate** - CJA 20 - Non-Capital cases (in and out of court time)

Effective Date	Hourly Rate
May 1, 2002	\$90
January 1, 2006	\$92
May 20, 2007	\$94
January 1, 2008	\$100

B) **Hourly Rate** - CJA 30 - Capital cases (in and out of court time)

Effective Date	Hourly Rate
May 1, 2005	\$160
January 1, 2006	\$163
May 20, 2007	\$166
January 1, 2008	\$170

Please utilize the Split Rate Worksheets, if applicable, which are posted on our website.

- (1) **Maximum Compensation**- Case compensation maximums are established for *non-capital* representations, and apply to attorneys fees only (expenses excluded). Claims for *services of court appointed counsel* in excess of the maximum amounts **must be accompanied by a detailed memorandum**, supporting and justifying that the representation given was in an extended or complex case and that excess payment is warranted to provide fair compensation. **See CJA Forms 26 and 26A posted on our website**, for additional assistance.

The case maximums by category are as follows :

Category	Maximum
Felonies	\$7,000
Misdemeanors	\$2,000
Other representations (Probation and Supervised Release Violations, Material Witness in custody, Grand Jury Target/Witness, etc.)	\$1,500
Non-Capital Habeas (28:2241, 2254, 2255)	\$7,000

3. REIMBURSABLE OUT-OF-POCKET EXPENSES

A) Travel Expenses -

Travel by privately owned automobiles should be claimed at the mileage rates listed below, plus parking fees, tolls, etc.

Effective Date	Rate
January 1, 2003	\$0.360
January 1, 2004	\$0.375
February 4, 2005	\$0.405
September 1, 2005	\$0.485
January 1, 2006	\$0.445
February 1, 2007	\$0.485

B) Travel outside the District (Attorneys and/or Experts, Investigators, etc.)

If travel outside the District is deemed necessary, arrangements must be made and Government rates obtained through Omega World Travel. You must complete and submit a Travel Authorization Form, which you can obtain from our website, to the CJA Administrator in the vicinage in which you were appointed. You will be notified when travel has been authorized **and may then proceed to make your travel arrangements** by following the instructions in the Travel Authorization Form.

C) Supporting Documentation

All travel expenses and miscellaneous expenses which exceed \$50.00 **must be supported** by documentation (receipts, cancelled checks, etc.).

4. INVESTIGATIVE, EXPERT AND OTHER SERVICES

A) **CJA Form 21: Non-Capital Representations :**

- (1) **Excess Compensation:** Prior court approval is required if it is anticipated that the total cost of the service will exceed \$500.

As of November 1, 2004, criminal case file documents can now be accessed electronically via the PACER (Public Access to Court Electronic Records) system. Please be aware that it has been determined that public access should not be provided for "**Ex Parte requests for authorization of investigative, expert or other services pursuant to the Criminal Justice Act**". To comply with this limitation to public access, please submit **all requests** for prior authorization (ex parte or otherwise) by utilizing the CJA 21 form, with supporting documentation attached if determined to be necessary. Please do not submit separate requests without the CJA 21 form. If the requested authorization is approved, the CJA 21 form (with attachments if provided) will be returned to counsel, to be resubmitted to the Court for payment after the services have been fully rendered.

- (2) **Interpreter Services** : Requests for interpreter services should be approved **prior** to contacting and engaging the services of an interpreter. If you need assistance in locating qualified interpreters, contact Sara Garcia-Rangel or Rose Donaghue at (973) 645-4621.

B) CJA Form 31 : Capital Case Representations :

- (1) A maximum threshold of \$7,500 has been established for the **total** costs of fees and expenses for investigative, expert and other services. If it can be anticipated that such payments will exceed this maximum, **advance** approval should be obtained from the district or magistrate judge, with subsequent approval sought from the circuit court. A sample memorandum is posted on our website.

Please note that, as a CJA Panel Attorney, fees for expert, investigative and other services are **not subject to state tax**. If requested by your service provider, contact the CJA Administrator in your vicinage to obtain the District Court tax I.D. information.

5. **SERVICE OF PROCESS** - Witness fees, travel costs, and expenses for service of subpoenas on witnesses, are **not payable** out of the CJA appropriation (see Volume VII of the Guide to Judiciary Policies and Procedures for Counsel Appointed under the Criminal Justice Act, Section 2.28(E)), but are governed by Rule 17, Fed. R. Crim. P. and 28 U.S.C. §1825.
6. **PUBLIC DISCLOSURE OF CJA ATTORNEY PAYMENT INFORMATION :**
The Criminal Justice Act (CJA), 18 U.S.C. § 3006A, was amended in 1998 to require that the amounts paid to court-appointed attorneys be made publicly available upon the court's approval of the payments (see the Notice of Public Disclosure on our website).
7. **MANDATORY ELECTRONIC FILING / EXEMPTION FROM ELECTRONIC PUBLIC ACCESS FEES** - It is ***mandatory*** that CJA Panel attorneys become registered users of the court's *Electronic Filing* system. Please see our website under the "**CM/ECF**" link for information and details. Attorneys appointed under the Criminal Justice Act (CJA) are exempt from payment of electronic public access (EPA) fees for work that is performed pursuant to such appointment in **all** federal courts. Please contact the PACER Service Center at (800) 676-6856 to establish your exempt account.
8. **FORMS** - You will find the following forms, which you may be required to submit, on the USDC, NJ website at <http://www.njd.uscourts.gov>, under the Attorney Services tab.
- A) **Panel Attorney Information Sheet** with tax reporting information. If at any time your information changes, please notify your CJA Administrator immediately, by letter, together with an updated Panel Attorney Information Sheet. **For those attorneys affiliated with a firm, if during a representation you change firms, it is imperative that you contact the CJA Administrator in your vicinage immediately for instructions.**
- B) **Worksheets** for reporting services and allowable expenses to be submitted with the CJA 20 voucher at the conclusion of the case. Counsel may substitute their in-house billing statements for the worksheets. **Totals** from the worksheets need to be carried over to the appropriate boxes on the CJA 20 voucher. (Note : Receipts must be provided for all travel expenses and for any other single expense item in excess of \$50.00). The **Split Rate Worksheet** is also available on the website.

- C) **Procedure and Order to obtain Interim Payments** - When it is considered necessary and appropriate in a specific case, the presiding trial judge may arrange for monthly payments to counsel. Once permission of the district court has been obtained, counsel should prepare an order outlining payment procedures and specifically addressing payment for actual expenses, travel and compensation. A sample *Order for Interim Payment* is provided on our website.

This order is submitted to the **CJA Administrator** in the vicinage in which you were appointed for submission to the trial judge, who in turn submits it to the chief judge of the circuit or his/her designee for final approval.

- D) **Travel Authorization Form** - (See 3B of this letter).
- E) **Guidelines and Order for obtaining computer hardware/software** - Pursuant to Volume VII of the Guide to Judiciary Policies and Procedures, paragraph 3.16, counsel may make an application to the Court, for an Order authorizing the acquisition of computer hardware or software. **Prior to making that application**, counsel **must** consult with the Defender Services Division of the Administrative Office of the United States Courts (202) 502-3030.
- F) **CJA Form 20** - Appointment of and Authority to Pay Court Appointed Counsel and instructions.
- G) **CJA Form 21** - Authorization and Voucher for Expert and Other Services and instructions.
- H) **CJA Form 30** - Appointment of and Authority to Pay Court Appointed Counsel in Death Penalty proceedings.
- I) **CJA Form 31** - Authorization and Voucher for Expert and Other Services and instructions in Death Penalty proceedings
- J) **CJA Form 24** - Authorization and Voucher for Payment of Transcripts and instructions.

A motion to be relieved as the assigned counsel for a defendant after sentencing by this Court is to be filed with the Clerk of the United States Court of Appeals and the motion will be disposed of by the United States Court of Appeals.

Very truly yours,

WILLIAM T. WALSH, CLERK

By: William J. Holland, Jr.
Director of Court Services
(609) 989-2328